

FILED
CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

3:31

UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

ANTHONY P. SCAPICCHIO

Plaintiff

v.

MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL,
as administrator of the Mount Auburn Hospital
RetirementPlus 403(b) Plan, and THOMAS
FABIANO,

Defendant

CIVIL ACTION NO. 04-11573-RWZ

**JOINT AGENDA OF MATTERS TO BE DISCUSSED AT
SCHEDULING CONFERENCE PURSUANT TO LOCAL RULE 16.1(B)**

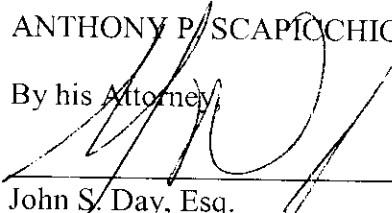
The parties have conferred at least twenty-one days before the date for the scheduling purpose in accordance with Local Rule 16.1(B) and have prepared the following agenda of matters to be discussed at the Scheduling Conference:

1. Pre-trial schedule for the case including a plan for discovery.
2. Plaintiff will advise the Court and defendants of whether or not plaintiff will waive its claim of trial by jury at the conference. Defendants have advised of its intention pursuant to Local Rule 7.1A(2) of its intention to file a motion to strike the jury claim if the plaintiff does not voluntarily waive the claim.
3. Agreement on the administrative record.

4. Defendants will not consent to trial by Magistrate Judge. The plaintiff does not object.

ANTHONY P/SCAPICCHIO

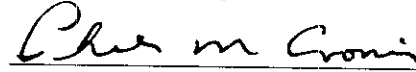
By his Attorney,



John S. Day, Esq.
167 Washington Street
Norwell, MA 02061

MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL,
as the administrator of MOUNT AUBURN
RETIREMENTPLUS 403(b) PLAN and
THOMAS FABIANO

By their Attorneys,



Philip M. Cronin, BBO #106060
PEABODY & ARNOLD LLP
30 Rowes Wharf, 6th Floor
Boston, MA 02110
(617) 951.2065